

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
THE CITY OF NEW YORK, :  
Plaintiff, :  
-v- : 22-CV-5525 (JMF)  
ARM OR ALLY LLC et al., :  
Defendants. :  
----- X

JESSE M. FURMAN, United States District Judge:

For reasons the Court will explain orally at the conference referenced below, Defendant Indie Guns LLC's motion to dismiss for lack of subject matter jurisdiction and failure to state a claim is DENIED. Indie Guns LLC shall answer the Amended Complaint **within fourteen days** in accordance with Rule 12(a)(4)(A) of the Federal Rules of Civil Procedure. In addition, the parties shall appear for a telephonic conference on **October 27, 2022, at 10:00 a.m.** At the conference, the parties should be prepared to address Plaintiff's Motion for a Preliminary Injunction, ECF No. 4, and the next steps in the case. More specifically, with respect to the Motion for a Preliminary Injunction, the parties should be prepared to address Indie Guns LLC's argument regarding voluntary cessation. Indie Guns LLC should also be prepared to address whether, in light of the denial of its motion to dismiss and the representations it has made about voluntary cessation, it would consent to the entry of a preliminary injunction.

The parties are reminded to follow the procedures for teleconferences described in the Court's Individual Rules and Practices for Civil Cases, which are available at <https://nysd.uscourts.gov/hon-jesse-m-furman>. In accordance with those Rules, counsel shall, at least **twenty-four hours before the conference**, email to the Court the names, honorifics (e.g., Mr., Mrs., Ms., Dr., etc.), and telephone numbers of those who will have speaking roles at the conference. The Court will thereafter provide call-in information to those counsel. All others — counsel who will not have speaking roles and members of the public — may listen to the conference by calling the Court's dedicated conference call line at (888) 363-4749 and using access code 542-1540 followed by the pound (#) key.

The Clerk of Court is directed to terminate ECF No. 55.

SO ORDERED.

Dated: October 21, 2022  
New York, New York

  
\_\_\_\_\_  
JESSE M. FURMAN  
United States District Judge